

ORDINANCE NO. 2008 -051

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR THE **SOUTHERN/JOG EDC (LGA 2008-027)**, PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 64 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 68.8 TOTAL ACRES OF LAND, GENERALLY LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD (SR-80), 0.4 MILES EAST OF JOG ROAD, FROM 58.13 ACRES OF INSTITUTIONAL AND PUBLIC FACILITIES WITH AN UNDERLYING 5 UNITS PER ACRE (INST/5) WITH CONDITIONS TO ECONOMIC DEVELOPMENT CENTER (EDC) ON 48.37 ACRES AND TO EDC/5 ON 9.76 ACRES WITH CONDITIONS; AND CHANGING 10.67 ACRES OF MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO EDC WITH CONDITIONS; AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 6 & 27, and July 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 7, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained objections to the amendment contained in this ordinance;

WHEREAS, on December 3, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

1. Future Land Use Atlas page 64 is amended as follows:

Application: Southern/Jog EDC (LGA 2008-027)

Amendment: 58.13 acres from Institutional and Public Facilities with an underlying 5 units per acre (INST/5) with conditions to Economic Development Center (EDC) on 48.37 acres and to EDC/5 on 9.76 acres with conditions; and changing 10.67 acres of medium residential, 5 units per acre (MR-5) to EDC with conditions;

Location: On the north side of Southern Boulevard (SR-80), 0.4 miles east of Jog Road;

Size: Approximately 68.8 total acres;

Conditions: The site is subject to the following condition:

1. Development of the site under the EDC designation shall be limited to a maximum of 1,139,464 square feet of light industrial uses as defined by the ULDC.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution

affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners
of Palm Beach County, on the 3rd day of December, 2008.

ATTEST:

SHARON R. BOCK, CLERK
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

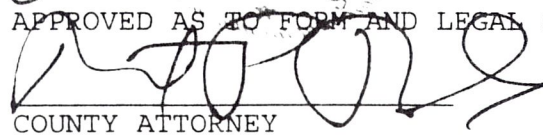
By: 

Deputy Clerk

By: 

John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

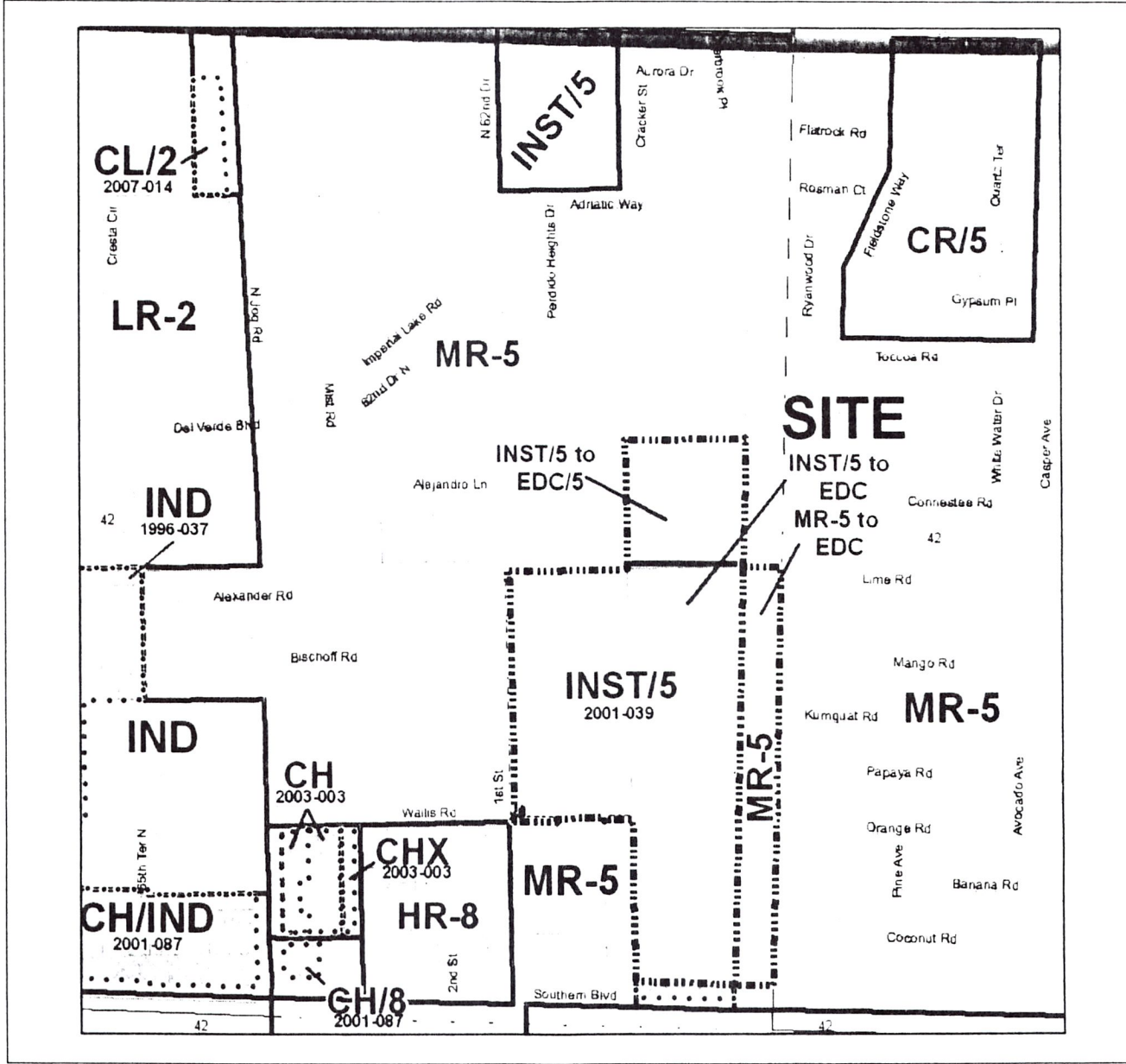

COUNTY ATTORNEY

Filed with the Department of State on the 10th day of
December, 2008.

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Exhibit 1

Amendment No.:	Southern & Jog EDC (LGA 2008-027)			
FLUA Page No.:	64			
Amendment:	Institutional and Public Facilities, with an underlying 5 units per acre (INST/5) and Medium Residential, 5 units per acre to Economic Development Center (EDC) and EDC/5 as detailed below			
Property No.:	PCN	Acres	Original FLU	FLU
	00-42-43-27-05-005-0400	9.76	INST/5	EDC/5
	00-42-43-27-05-005-0410 00-42-43-27-05-005-0420	48.37	INST/5	EDC
	00-42-43-34-00-000-1010	10.67 ac. of a 24.25 ac. parcel	MR-5	EDC
Size:	68.8 total acres (approximately)			
Location:	North side of Southern Blvd, 0.4 miles east of Jog Rd, on the east side of 1 st St			
Conditions:	Development of the site under the EDC designation shall be limited to a maximum of 1,139,464 square feet of light industrial uses as defined by the ULDC.			



Legal Description

PBAU Parcel:

PARCEL A

THE NORTHERN PORTION OF THE LANDS SHOWN ON THE BOUNDARY SURVEY PREPARED BY MOCK ROOS AND ASSOCIATES, INC. DRAWING NO. 43-42-34-14, DATED DECEMBER 10, 2007; LYING NORTH OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 40, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

THE TOTAL AREA OF SAID PARCEL IS 425,354.06 SQUARE FEET, OR 9.76 ACRES, MORE OR LESS.

PARCEL B

THE SOUTHERN PORTION OF THE LANDS SHOWN ON THE BOUNDARY SURVEY PREPARED BY MOCK ROOS AND ASSOCIATES, INC. DRAWING NO. 43-42-34-14, DATED DECEMBER 10, 2007; LYING SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: TRACTS 41, 60 AND 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE;

LESS AND EXCEPT THE FOLLOWING:

(A) THE RIGHT-OF-WAY FOR SOUTHERN BOULEVARD AS CURRENTLY LAID OUT AND IN USE, AND (B) PARCEL NO. 133 CONVEYED TO FLORIDA DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED DATED MAY 7, 2002, RECORDED IN OFFICIAL RECORD BOOK 13718, PAGE 600, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE SOUTH 01°00'25" EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 254.577 METERS (835.22 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°13'14" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1896.400 METERS (6221.77 FEET), THROUGH A CENTRAL ANGLE OF 02°41'49", AN ARC LENGTH OF 89.265 METERS (292.86 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST, A DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT LINE, A DISTANCE OF 26.481 METERS (86.88 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2544; THENCE NORTH 88°34'07" WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 162.650 METERS (533.63 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 61; THENCE NORTH 01°00'25" WEST ALONG SAID WEST TRACT LINE, A DISTANCE OF 28.606 METERS (93.85 FEET) TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF A PLATTED 30 FOOT ROADWAY LYING BETWEEN TRACTS 60 AND 61, BLOCK 5, PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2: TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 48.18 FEET OF SAID TRACT 42 AND LESS AND EXCEPT THAT PORTION OF TRACT 59, BLOCK 5, AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048 OF, THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 13: THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND

PARCEL 13A: THE NORTH 50 FEET OF THE SOUTH 67 FEET OF THE WEST 55 FEET, LESS THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

THE WEST 15 FEET OF TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THAT PORTION LYING WITHIN THAT CERTAIN ORDER OF TAKING RECORDED IN O.R.B 2822, AT PAGE 1048 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE NORTH 48.18 FEET OF SAID TRACT 42.

THE TOTAL AREA OF SAID PARCEL IS 2,107,002.10 SQUARE FEET, OR 48.37 ACRES, MORE OR LESS.

County Owned Parcel:

A STRIP OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 34, THENCE SOUTH 01°28'00" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARETER OF SAID SECTION 34, A DISTANCE OF 110.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°28'00" WEST ALONG SAID SECTION LINE, A DISTANCE OF 2260.75 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) AS RECORDED IN OFFICIAL RECORD BOOK 13737, PAGE 1779 OF THE PUBLIC RECORDS OF SAID COUNTY (THE NEXT THREE COURSES RUN ALONG SAID NORTH RIGHT-OF-WAY LINE); THENCE SOUTH 41°51'18" WEST, A DISTANCE OF 28.20 FEET; THENCE NORTH 88°49'07" WEST, A DISTANCE OF 165.71 FEET; THENCE NORTH 88°34'09" WEST, A DISTANCE OF 26.03 FEET TO A LINE LYING 210.00 FEET WEST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLE TO) THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 01°28'00" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2186.78 FEET TO THE SOUTH LINE OF THE REQUIRED RIGHT-OF-WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-4 CANAL AS SHOWN ON RIGHT-OF-WAY MAP 68-122 DATED MAY 1969, SHEET 16 OF 240; THENCE SOUTH 88°32'00" EAST AT RIGHT ANGLES TO SAID PARALLE LINE, A DISTANCE OF 93.65; THENCE NORTH 51°51'25" EAST, A DISTANCE OF 151.03 FEET TO THE EAST LINE OF SAID SECTION 34 AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.665 ACRES OR 464,567 SQUARE FEET MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON H. BOOK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 3, 2008

dated at West Palm Beach, Florida

By: Deane Brown

Deputy Clerk

PALM BEACH COUNTY
FLORIDA